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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,688

03/14/2005

Keiji Yamada

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02/03/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

YOUNG, NATASHA E

ART UNIT

PAPER NUMBER

1797

NOTIFICATION DATE

DELIVERY MODE

02/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/509,688	Applicant(s) YAMADA, KEIJI	
	Examiner NATASHA YOUNG	Art Unit 1797	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The amendment of porous ceramic members "comprising silicon carbide" and a plurality of plugs "comprising silicon carbide" would require further consideration and/or search.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4 and 7.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 11/12/2008
13. ☐ Other: _____.

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that the honeycomb filter of claim 1 exhibits unexpected results of improved thermal resistance and mechanical strength, and a thermal stress exerted during its use is dispersed among the porous ceramic members and the columnar body is significantly less susceptible to cracking caused by the thermal expansion and thermal stress due to the repetition of a high temperature regeneration process during which the particles collected on the wall portion are burned by a heated gas (see Remarks, page 6).

The examiner does not believe the results of the improvements are unexpected.

Ichikawa et al discloses an exhaust gas filter, which has an excellent efficiency in collecting fine particles contained in exhaust gases, without increasing pressure losses (see column 1, line 64 through column 2, line 3).

Ohno et al discloses a ceramic filter having an improved exhaust gas processing efficiency, superior strength, and having small pressure loss and superior mechanical strength (see column 2, lines 53-62) and the reason for employing sintered porous silicon carbide is because it is advantageous especially in that it has superior heat resistance and heat conductance (see column 5, lines 34-40) such that improved thermal resistance and mechanical strength, and a thermal stress exerted during its use is dispersed among the porous ceramic members and the columnar body is significantly less susceptible to cracking caused by the thermal expansion and thermal stress due to the repetition of a high temperature regeneration process during which the particles collected on the wall portion are burned by a heated gas are expected results.

The applicant argues that neither Ichikawa et al nor Ohno et al recognizes the gap formation between the columnar and the plugs or the cracking caused thereby (see Remarks, page 6).

The examiner agrees, but points out that is not part of the claimed invention and is an occurrence a columnar body being plugged and would be inherent to any columnar body that is plugged.

The applicant argues that it would not have been obvious to modify the teachings of Ichikawa et al with the teachings of Ohno et al because Ohno et al teaches away from Ichikawa et al, since Ohno et al teaches increasing pressure loss (see Remarks, page 7)

The examiner disagrees.

Ichikawa et al discloses not increasing pressure loss (see column 1, line 64 through column 2, line 3).

Ohno et al discloses small pressure loss (see column 2, lines 60-62).